



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Tuesday, June 14, 2016
LSU Law Center, Tyson Room
Baton Rouge, LA 70806
2:00 p.m.

AGENDA

1. Call to Order and Remarks of the Chairman
 - a. Board Member Appreciation
 - b. Commendation – Matt Robnett, District 25
 - c. Commendation – Josh Perry
2. Call for Public Comment
3. Adoption of the Agenda* pgs. 231-232
4. Review of the Minutes, May 16, 2016 Meeting* **Tab 1**, pgs. 233-236
5. Budget Reports and Recommendations **Tab 2**
 - a. Financial Report* pgs. 237-241
 - b. FY17 DAF* pg. 242
 - c. FY17 501c3 Contract Amounts* pg. 243
6. Restriction of Services Updates **Tab 3**
 - a. Wait List Status – Database Entry for Districts in ROS* pgs. 244-246
7. District Issues
 - a. District 25 – Selection for District Defender
8. Legislative Session, 2016 **Tab 4**, pgs.247-288
9. Executive Session¹*

**Requires Board Action*

¹ The Board may vote to go into executive session pursuant to La. R.S. 42:16 and 42:17 (formerly La. R.S. 42:6 and 42:6.1), by a two-thirds vote of the members present. The executive session is limited to matters allowed to be exempted from public discussion pursuant to La. R.S. 42:17, including strategy sessions with respect to litigation and prospective litigation after formal demand. In accordance with La. R.S. 42:19(A)(b)(iii), the Board may discuss the following: *Darwin Yarbles, Leroy Shaw and Douglas Brown v. Derwyn Bunton and James T. Dixon, Jr.* Civil Action: 3:16-cv-31, Middle District of Louisiana; *LPDB v. Dorroh, et al*, Docket: 2015CA1401, First Circuit Court of Appeal; *State v Finister*, Docket: 04-14-0382, Section V, 19th JDC.

10. Litigation*
11. Other Business
12. Next Meeting(s)
13. Adjournment*

**Requires Board Action*



LOUISIANA PUBLIC DEFENDER BOARD

BOARD MEETING

Monday, May 16, 2016
Baton Rouge, LA 70806
2:00 p.m.

Draft Minutes

1. Call to Order and Remarks of the Chairman. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by its Chairman on Monday, May 16, 2016 at 2:17 p.m. at the LSU Law Center in Baton Rouge.

The following Board members were present:

Robert Burns
Leo Hamilton
Hector Linares
Gina Womack

Franz Borghardt
Frank Holthaus*
Tom Lorenzi

Hampton Carver
Robert Lancaster
Steven Singer

*Mr. Holthaus was not present for roll call but arrived at approximately 2:45 pm. This will be reflected in the voting record throughout the meeting.

The following Board members were absent:

Flozell Daniels, Jr.
Herschel Richard

Jacqueline Grant
Rebecca Hudsmith, *ex officio*

Herbert Larson

The following members of the Board's staff were present:

Jay Dixon, State Public Defender
Barbara Baier, General Counsel
Jean Faria, Capital Case Coordinator
Anne Gwin, Executive Assistant
Carol Kolinchak, Trial Level Compliance Officer
Richard Pittman, Dep. State Public Defender, Dir. Juvenile Defender Services
Erik Stilling, I.T. Director

2. Call for Public Comment. No one presented for public comment.

3. Adoption of the Agenda*. Mr. Lorenzi moved to adopt the agenda as presented which was seconded by Mr. Hamilton and passed unopposed.

4. Review of the Minutes, April 6, 2016 Meeting*. Mr. Hamilton moved to approved the Minutes of the April 6, 2016 meeting as presented which was seconded by Mr. Lorenzi and passed unopposed.
5. Policy Committee Recommendations.
 - a. FY17 Funding Allocation*. The Policy Committee recommended adoption of funding scenario #1 on page one of the hand out in the materials which provides for 65% of the total funding allocation to LPDB to go to the districts pursuant to the DAF formula resulting in a 33.3% reduction of the FY16 funding allocation to the capital contract programs with the non-capital programs, LCCR, IPNO, and LAP receiving 100%, 90%, and 80%, respectively, of their FY16 funding allocation. Professor Singer seconded the recommendation which passed unanimously with nine members voting.
 - i. Resolution. Policy Committee Chairman Leo Hamilton read a proposed Resolution stating that any actions of the Board in support the proposed FY17 budget allocation are not to be construed as agreement that funding is sufficient, but rather that the Board is adopting actions in consideration of the state's current fiscal circumstances. Mr. Hamilton stated that the Policy Committee is recommending adoption of the resolution as presented. Professor Singer seconded the recommendation which passed unanimously with nine members voting.
6. Budget Committee Recommendations and Fiscal Issues.
 - a. FY16 Year End Distribution. State Public Defender Jay Dixon reported that year end funds available for reallocation to the districts have been distributed in the amount of \$150,676.
 - b. Financial Report*. The Budget Committee recommended adoption of the financial report as presented which was seconded by Mr. Borghardt and passed with nine members in favor and one abstention.
 - c. FY17 DAF*. Mr. Hamilton moved to adopt the funding allocation to the districts as presented by staff, which was seconded by Professor Singer and passed with nine members in favor and one abstention.
 - d. FY17 501c3 Contract Amounts*. Considering Board action on item 5a--FY17 Funding Allocation--Mr. Hamilton moved to approve the adoption of funding scenario #1 (page one of the hand out in the materials) allocating 65% of LPDB's total FY17 funds to the districts pursuant to the DAF formula with the non-capital programs, LCCR, IPNO, and LAP receiving 100%, 90%, and 80%, respectively, of their FY16 funding allocation. The resultant 33.3% cut to the capital contract programs will result in those programs being able to maintain two core teams with reduced expert witness funding. Mr. Lorenzi seconded the motion which passed unanimously with ten members voting.
7. Executive Session*. Mr. Borghardt moved to enter executive session which was seconded by Mr. Hamilton and passed unopposed. Mr. Holthaus moved to leave executive session which was seconded by Mr. Borghardt, which vote failed 3-5. Mr. Borghardt moved to leave executive session which was seconded by Professor Lancaster and passed unopposed.
8. District Issues.
 - a. District 9 – District Defender Position and Salary Recommendation*. SPD Dixon reported that the selection committee submitted three candidates for the district defender

position in District 9 (Rapides) but that one candidate withdrew. SPD Dixon reported staff recommendation is to hire Ms. Deirdre Fuller at an annual salary of \$90,085 which is equal that of the previous district defender. Mr. Dixon clarified that Ms. Fuller will maintain a private practice, but will provide not less than 40 hours per week for public defense work. Mr. Borghardt moved to adopt staff recommendation to hire Ms. Fuller as the district defender for district 9 at an annual salary of \$90,085. Mr. Hamilton seconded the motion which passed unopposed.

b. District 8 - Request for Waiver*. The Policy Committee recommended approving the waiver request by District Defender Herman Castete (Winn Parish) allowing him to hire a public defender who is also a city court prosecutor provided the protocol is followed. Mr. Borghardt seconded the motion. The motion passed seven in favor and two against.

9. Juvenile

a. Strategic Plan*. Mr. Pittman presented the final juvenile strategic plan for approval. Mr. Linares moved for adoption of the plan as presented which was seconded by Professor Singer and passed unopposed.

b. NJDC - *Gault at 50 - Statement of Principles Endorsement**. Mr. Pittman presented a brief summary of the *Gault at 50* principles and requested the Board's endorsement. Professor Linares reaffirmed that those principles already exist in the juvenile representation standards created and passed by the Board. Mr. Hamilton moved to approve the endorsement which was seconded by Professor Singer and passed unopposed.

10. Restriction of Services Updates. Trial Compliance Officer Carol Kolinchak gave a brief update on districts in restriction.

11. Legislative Session, 2016. SPD Dixon gave a brief update on HB 1137 which seeks to restructure the Board from 15 to 11 members and set funding distribution to the districts at 65% of LPDB's total annual allocation.

12. SPD Report. Staff activity since the March 2016 meeting is found in the Board materials.

13. Other Business. Mr. Paul Fleming announced that attorney Jennifer ?? with the 24th judicial district PDO was recently named a Child Welfare Law Specialist.

14. Next Meetings. The next meeting of the Board is Tuesday, June, 14, 2016, at 2:00 p.m. The location is to be determined.

15. Adjournment*. Mr. Hamilton moved to adjourn which was seconded by Professor Singer. The meeting adjourned at 4:50 p.m.

Guests:

Herman Castete
Paul C. Fleming
Alan Robert
Richard Tompson
Deirdre Fuller

Steve Thomas
Gary Clements
Michael A. Mitchell
Reggie McIntyre
Matthew Robnett

Derwyn Bunton
Harry Fontenot
Kerry Cuccia
John Lindner
Kathryn Sheely

Tony Tillman
Vic Bradley
Jim Looney
Chris Murell
Brian McRae

I HEREBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the Louisiana Public Defender Board meeting held on the 16th day of May, 2016, as approved by the Board on the 14th day of June, 2016, at Baton Rouge, Louisiana.

Judge Robert J. Burns (Ret.), Chairman

LPDB APPROPRIATION SUMMARY

SUMMARY FY 16

For the period ending 05-31-16

	FY 2016 Budget	YTD Encumbrances	YTD Expenditures	Total Expended & Encumbered	% of FY16 Budget	Projected thru 06/30/2016	Available for Reallocation	FY2015 YTD Actual	% of FY15 Actual
MEANS OF FINANCING:									
FEES & SELF GENERATED	\$ 119,551	\$ 76,966	\$ 36,585	\$ 113,551	95.0%	\$ 6,000	\$ -	\$ -	0.0%
GRANTS	\$ 126,309	\$ 27,778	\$ 98,323	\$ 126,101	99.8%	\$ 208	\$ 0	\$ 85,260	147.9%
STATUTORY DEDICATIONS:									
DNA TESTING POST-CONVICTION FUND (CR5)	\$ 27,075	\$ -	\$ 5,258	\$ 5,258	19.4%	\$ 21,817	\$ -	\$ 6,318	83.2%
INDIGENT PARENT REPRESENTATION FUND(S08)	\$ 963,288	\$ -	\$ 979,680	\$ 979,680	101.7%	\$ -	\$ (16,392)	\$ 979,680	100.0%
PUBLIC DEFENDER FUND (V31)	\$ 32,070,693	\$ 1,415,312	\$ 30,189,498	\$ 31,604,810	98.5%	\$ 428,008	\$ 37,875	\$ 32,109,618	98.4%
TOTAL MEANS OF FINANCING	\$ 33,306,916	\$ 1,520,056	\$ 31,309,344	\$ 32,829,400	98.6%	\$ 456,033	\$ 21,484	\$ 33,180,876	98.9%
EXPENDITURES:									
Salaries	\$ 1,078,671	\$ -	\$ 991,711	\$ 991,711	91.9%	\$ 87,668	\$ (708)	\$ 1,069,285	92.7%
Other Compensation	\$ 179,255	\$ -	\$ 150,187	\$ 150,187	83.8%	\$ 9,141	\$ 19,927	\$ 174,509	86.1%
Related Benefits	\$ 620,823	\$ -	\$ 557,113	\$ 557,113	89.7%	\$ 61,447	\$ 2,264	\$ 590,605	94.3%
TOTAL PERSONAL SERVICES	\$ 1,878,749	\$ -	\$ 1,699,011	\$ 1,699,011	90.4%	\$ 158,255	\$ 21,483	\$ 1,834,399	92.6%
Travel	\$ 39,496	\$ -	\$ 18,215	\$ 18,215	46.1%	\$ 3,275	\$ 18,006	\$ 51,745	35.2%
Operating Services	\$ 471,862	\$ 36,486	\$ 321,117	\$ 357,602	75.8%	\$ 11,672	\$ 102,588	\$ 331,285	107.9%
Supplies	\$ 21,719	\$ 50	\$ 8,545	\$ 8,595	39.6%	\$ 1,303	\$ 11,821	\$ 14,378	59.8%
TOTAL OPERATING EXPENSES	\$ 533,077	\$ 36,536	\$ 347,877	\$ 384,413	72.1%	\$ 16,250	\$ 132,414	\$ 397,407	96.7%
TOTAL PROFESSIONAL SERVICES	\$ 302,679	\$ 39,966	\$ 172,301	\$ 212,267	70.1%	\$ -	\$ 90,412	\$ 267,782	79.3%
DNA Testing Post-Conviction	\$ 27,075	\$ -	\$ 5,258	\$ 5,258	19.4%	\$ 21,817	\$ -	\$ 6,318	83.2%
Indigent Parent Representation	\$ 963,288	\$ -	\$ 979,680	\$ 979,680	101.7%	\$ -	\$ (16,392)	\$ 979,680	100.0%
SOAP	\$ 56,845	\$ 18,115	\$ 38,730	\$ 56,845	100.0%	\$ -	\$ -	\$ 351,918	16.2%
District Assistance	\$ 16,109,892	\$ -	\$ 16,137,865	\$ 16,137,865	100.2%	\$ 251,684	\$ (279,657)	\$ 16,779,216	96.2%
LCLE and Arnold Grant	\$ 194,159	\$ 96,484	\$ 91,675	\$ 188,159	96.9%	\$ 6,000	\$ -	\$ -	
Contract Programs	\$ 13,112,369	\$ 1,320,696	\$ 11,718,241	\$ 13,038,937	99.4%	\$ -	\$ 73,432	\$ 12,476,087	104.5%
TOTAL OTHER CHARGES	\$ 30,463,628	\$ 1,435,295	\$ 28,971,450	\$ 30,406,744	99.8%	\$ 279,500	\$ (222,617)	\$ 30,593,219	99.4%
TOTAL CAPITAL OUTLAY	\$ 49,807	\$ 8,260	\$ 40,411	\$ 48,672	97.7%	\$ 175	\$ 960	\$ 6,977	0.0%
INTERAGENCY TRANSFERS	\$ 78,976	\$ -	\$ 78,294	\$ 78,294	99.1%	\$ 1,852	\$ (1,170)	\$ 69,473	112.7%
TOTAL EXPENDITURES	\$ 33,306,916	\$ 1,520,056	\$ 31,309,344	\$ 32,829,400	98.6%	\$ 456,032	\$ 21,483	\$ 33,169,256	99.0%
EXCESS (OR DEFICIENCY) OF FINANCING OVER EXPENDITURES	\$ -	\$ -	\$ -	\$ -		\$ 0	\$ 0	\$ 11,620	

Less Personal Svcs: \$ (21,483)

\$ 0

AUTHORIZED FULL-TIME EQUIVALENTS:

Classified 8
Unclassified 8

TOTAL POSITIONS (Salaries Regular) 16

LPDB APPROPRIATION SUMMARY

SUMMARY FY 16

For the period ending 05-31-16

EXPENDITURES	FY 2016 Budget	YTD Encumbrances	YTD Expenditures	Total Expended & Encumbered	% of FY16 Budget	Projected thru 06/30/2016	Available for Reallocation	FY 2015 YTD Actual	% of FY15 Actual
2100 Salaries - Classified - Regular	\$ 400,571	\$ -	\$ 321,546	\$ 321,546	80.3%	\$ 26,656	\$ 52,369	\$ 346,753	92.7%
2110 Salaries - Classified - Overtime	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2120 Salaries - Classified - Termination	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ 1,101	0.0%
2130 Salaries - Unclassified - Regular	\$ 678,100	\$ -	\$ 670,165	\$ 670,165	98.8%	\$ 61,012	\$ (53,077)	\$ 719,672	93.1%
2150 Salaries - Unclassified - Termination	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ 1,760	0.0%
Total Salaries	\$ 1,078,671	\$ -	\$ 991,711	\$ 991,711	91.9%	\$ 87,668	\$ (708)	\$ 1,069,285	92.7%
2200 Wages	\$ 179,255	\$ -	\$ 150,187	\$ 150,187	83.8%	\$ 9,141	\$ 19,927	\$ 174,509	86.1%
2210 Student Labor	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2220 Compensation of Board Members	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2250 Wages - OT & Termination Pay	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
Total Other Compensation	\$ 179,255	\$ -	\$ 150,187	\$ 150,187	83.8%	\$ 9,141	\$ 19,927	\$ 174,509	86.1%
2300 Retirement Contributions - State Employees	\$ 424,200	\$ -	\$ 385,176	\$ 385,176	90.8%	\$ 32,933	\$ 6,091	\$ 410,849	93.8%
2320 Retirement Contributions - Teachers	\$ 30,347	\$ -	\$ 28,012	\$ 28,012	92.3%	\$ 2,335	\$ 0	\$ 30,771	91.0%
2345 Post Retirement Benefits	\$ 29,873	\$ -	\$ 25,833	\$ 25,833	86.5%	\$ 6,640	\$ (2,600)	\$ 26,149	98.8%
2350 FICA Tax (OASDI)	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2360 Medicare Tax	\$ 18,074	\$ -	\$ 15,691	\$ 15,691	86.8%	\$ 1,428	\$ 954	\$ 17,165	91.4%
2370 Unemployment Benefits	\$ 2,223	\$ -	\$ 3,360	\$ 3,360	151.1%	\$ -	\$ (1,137)	\$ 2,223	151.1%
2380 Group Insurance	\$ 116,106	\$ -	\$ 99,040	\$ 99,040	85.3%	\$ 18,111	\$ (1,045)	\$ 103,449	95.7%
Total Related Benefits	\$ 620,823	\$ -	\$ 557,113	\$ 557,113	89.7%	\$ 61,447	\$ 2,264	\$ 590,605	94.3%
TOTAL PERSONAL SERVICES	\$ 1,878,749	\$ -	\$ 1,699,011	\$ 1,699,011	90.4%	\$ 158,255	\$ 21,483	\$ 1,834,399	92.6%
2500 In-State Travel, Administrative	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2510 In-State Travel, Conferences, Conventions, & Athletics	\$ 28,452	\$ -	\$ 10,295	\$ 10,295	36.2%	\$ -	\$ 18,157	\$ 39,675	25.9%
2520 In-State Travel, Field Travel	\$ 2,000	\$ -	\$ 520	\$ 520	26.0%	\$ 2,000	\$ (625)	\$ 2,036	25.6%
2530 In-State Travel, Board Members	\$ 7,571	\$ -	\$ 6,196	\$ 6,196	81.8%	\$ 325	\$ 1,155	\$ 9,001	68.8%
2550 In-State IT Travel/Training	\$ 1,000	\$ -	\$ 50	\$ 50	5.0%	\$ 950	\$ (0)	\$ -	0.0%
2600 Out-of-State Travel, Administrative	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2610 Out-of-State Travel, Conferences, Conventions, & Athletics	\$ 473	\$ -	\$ 473	\$ 473	99.9%	\$ -	\$ 0	\$ 1,033	45.8%
2620 Out-of-State Travel, Field Travel	\$ -	\$ -	\$ 681	\$ 681	0.0%	\$ -	\$ (681)	\$ -	0.0%
2630 Out-of-State Travel, Board Members	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2650 Out-of-State IT Travel/Training	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
Total Travel	\$ 39,496	\$ -	\$ 18,215	\$ 18,215	46.1%	\$ 3,275	\$ 18,006	\$ 51,745	35.2%

LPDB APPROPRIATION SUMMARY

SUMMARY FY 16

For the period ending 05-31-16

EXPENDITURES	FY 2016 Budget	YTD Encumbrances	YTD Expenditures	Total Expended & Encumbered	% of FY16 Budget	Projected thru 06/30/2016	Available for Reallocation	FY 2015 YTD Actual	% of FY15 Actual
2700 Advertising	\$ 346	\$ -	\$ 346	\$ 346	100.0%	\$ -	\$ 0	\$ 305	113.2%
2710 Printing	\$ 3,830	\$ -	\$ 1,429	\$ 1,429	37.3%	\$ 2,100	\$ 301	\$ 3,227	44.3%
2770 Maintenance of Property & Equipment, Automotive Repairs	\$ 1,308	\$ -	\$ 749	\$ 749	57.3%	\$ 300	\$ 259	\$ 2,124	35.3%
2800 Maintenance of Equipment	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2810 Maintenance - Janitorial	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2820 Maintenance of Data Processing Equipment	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2825 Maintenance of Data Processing Equipment, Software	\$ 267,675	\$ 31,981	\$ 148,619	\$ 180,600	67.5%	\$ -	\$ 87,075	\$ 140,637	128.4%
2830 Rentals - Buildings	\$ 118,865	\$ -	\$ 118,865	\$ 118,865	100.0%	\$ -	\$ -	\$ 92,221	128.9%
2840 Rentals - Equipment	\$ 14,479	\$ 3,631	\$ 8,969	\$ 12,599	87.0%	\$ 1,200	\$ 680	\$ 14,716	85.6%
2870 Rentals - Other	\$ 30,000	\$ -	\$ 10,645	\$ 10,645	35.5%	\$ 4,935	\$ 14,420	\$ 9,841	108.2%
2875 Data Processing - Licensing Software	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ 425	0.0%
2880 Internet Provider Costs	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
2890 Dues & Subscriptions	\$ 10,500	\$ -	\$ 14,074	\$ 14,074	134.0%	\$ 1,361	\$ (4,935)	\$ 40,160	35.0%
2900 Mail, Delivery, & Postage	\$ 250	\$ -	\$ 103	\$ 103	41.1%	\$ 80	\$ 67	\$ 91	113.0%
2910 Telephone Services	\$ 9,784	\$ 409	\$ 3,691	\$ 4,100	41.9%	\$ 1,135	\$ 4,549	\$ 5,114	80.2%
2930 Other Communication Services	\$ 3,217	\$ -	\$ 2,745	\$ 2,745	85.3%	\$ 300	\$ 172	\$ 6,890	39.8%
3000 Other Operating Services, Misc.	\$ 11,608	\$ 464	\$ 10,883	\$ 11,347	97.8%	\$ 261	\$ 0	\$ 15,534	73.0%
Total Operating Services	\$ 471,862	\$ 36,486	\$ 321,117	\$ 357,602	75.8%	\$ 11,672	\$ 102,588	\$ 331,285	107.9%
3100 Office Supplies	\$ 7,975	\$ -	\$ 1,712	\$ 1,712	21.5%	\$ 1,000	\$ 5,263	\$ 2,772	61.8%
3120 Operating Supplies, Computer	\$ 4,203	\$ -	\$ 2,275	\$ 2,275	54.1%	\$ 183	\$ 1,745	\$ 3,192	71.3%
3140 Operating Supplies, Medical	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3150 Operating Supplies, Education	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3160 Operating Supplies, Food	\$ 822	\$ 50	\$ 515	\$ 565	68.8%	\$ 60	\$ 197	\$ 543	104.2%
3170 Operating Supplies, Auto	\$ 2,180	\$ -	\$ 1,081	\$ 1,081	49.6%	\$ -	\$ 1,099	\$ 2,325	46.5%
3180 Operating Supplies, Other	\$ 2,180	\$ -	\$ 1,794	\$ 1,794	82.3%	\$ 60	\$ 326	\$ 3,781	47.4%
3200 Operating Supplies, Household	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3300 Repair & Maintenance Supplies, Auto	\$ 26	\$ -	\$ -	\$ -	0.0%	\$ -	\$ 36	\$ -	0.0%
3310 Repair & Maintenance Supplies, Other	\$ 26	\$ -	\$ -	\$ -	0.0%	\$ -	\$ 26	\$ -	0.0%
3320 Software	\$ 4,297	\$ -	\$ 1,168	\$ 1,168	27.2%	\$ -	\$ 3,129	\$ 1,765	66.2%
Total Supplies	\$ 21,719	\$ 50	\$ 8,545	\$ 8,595	39.6%	\$ 1,303	\$ 11,821	\$ 14,378	59.8%
TOTAL OPERATING EXPENSES	\$ 533,077	\$ 36,536	\$ 347,877	\$ 384,413	72.1%	\$ 16,250	\$ 132,414	\$ 397,407	96.7%
3400 Accounting & Auditing	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3410 Management Consulting	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3430 Legal	\$ 125,000	\$ 18,616	\$ 121,384	\$ 140,000	112.0%	\$ -	\$ (15,000)	\$ 160,258	87.4%
3460 Other Professional Services	\$ 143,739	\$ 10,744	\$ 31,523	\$ 42,267	29.4%	\$ -	\$ 101,472	\$ 104,683	40.4%
3470 Other Professional Services, Travel	\$ 3,940	\$ -	\$ -	\$ -	0.0%	\$ -	\$ 3,940	\$ 2,840	0.0%
3480 IT Consulting	\$ 30,000	\$ 10,606	\$ 19,394	\$ 30,000	100.0%	\$ -	\$ -	\$ -	0.0%
TOTAL PROFESSIONAL SERVICES	\$ 302,679	\$ 39,966	\$ 172,301	\$ 212,267	70.1%	\$ -	\$ 90,412	\$ 267,782	79.3%

LPDB APPROPRIATION SUMMARY

SUMMARY FY 16

For the period ending 05-31-16

EXPENDITURES	FY 2016 Budget	YTD Encumbrances	YTD Expenditures	Total Expended & Encumbered	% of FY16 Budget	Projected thru 06/30/2016	Available for Reallocation	FY 2015 YTD Actual	% of FY15 Actual
3560 Aid to Local Governments	\$ 17,073,180	\$ -	\$ 17,117,545	\$ 17,117,545	100.3%	\$ 251,684	\$ (296,049)	\$ 17,758,896	96.4%
3650 Miscellaneous Charges	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3730 Other Charges, Supplies	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
3735 Professional Service Travel	\$ 12,592	\$ 7,408	\$ 3,156	\$ 10,564	83.9%	\$ -	\$ 2,028	\$ 17,865	59.1%
3740 Other Charges, Professional Services	\$ 12,708,356	\$ 1,309,260	\$ 11,617,663	\$ 12,926,923	101.7%	\$ 27,817	\$ (246,384)	\$ 12,480,026	103.6%
3742 Contract Attorney	\$ 607,500	\$ 97,839	\$ 223,095	\$ 320,933	52.8%	\$ -	\$ 286,567	\$ 321,872	99.7%
3744 Contract Expert	\$ 62,000	\$ 20,788	\$ 9,991	\$ 30,779	49.6%	\$ -	\$ 31,221	\$ 14,559	211.4%
3750 Other Charges, Acquisitions/Major Repairs	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
TOTAL OTHER CHARGES	\$ 30,463,628	\$ 1,435,295	\$ 28,971,450	\$ 30,406,744	99.8%	\$ 279,501	\$ (222,617)	\$ 30,593,219	99.4%
4440 Acquisitions - Equipment	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4441 Equip <\$1,000	\$ 3,507	\$ -	\$ 2,547	\$ 2,547	72.6%	\$ -	\$ 960	\$ -	0.0%
4450 Acquisitions - Capital - Software	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4451 Acquisitions - Capital - Hardware	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4454 Acquisitions - Hardware	\$ 3,193	\$ 3,655	\$ 1,431	\$ 5,086	159.3%	\$ -	\$ (1,893)	\$ 5,650	90.0%
4457 Acquisitions - Hardware < \$1,000	\$ 43,107	\$ 4,605	\$ 1,620	\$ 6,225	14.4%	\$ 175	\$ 36,707	\$ 1,327	469.1%
4472 Household <\$1,000	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4490 Acquisitions - Office Equipment	\$ -	\$ -	\$ 34,813	\$ 34,813	0.0%	\$ -	\$ (34,813)	\$ -	0.0%
4491 Capitalized Office Equipment	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4492 Acquisitions - Office Equipment <\$1,000	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4512 Acquisitions - Library < \$1,000	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
TOTAL CAPITAL OUTLAY	\$ 49,807	\$ 8,260	\$ 40,411	\$ 48,672	97.7%	\$ 175	\$ 960	\$ 6,977	697.6%
4900 Interagency Transfers, Commodities & Services	\$ 50,738	\$ -	\$ 50,746	\$ 50,746	100.0%	\$ -	\$ (8)	\$ 47,869	106.0%
4960 Interagency Transfers, Printing	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	0.0%
4980 Interagency Transfers, Insurance	\$ 19,816	\$ -	\$ 19,185	\$ 19,185	96.8%	\$ -	\$ 631	\$ 19,125	100.3%
5030 Interagency Transfers, Postage	\$ 2,739	\$ -	\$ 2,433	\$ 2,433	88.8%	\$ -	\$ 306	\$ 2,472	98.4%
5040 Interagency Transfers, Telephone	\$ -	\$ -	\$ 5,931	\$ 5,931	0.0%	\$ 1,852	\$ (2,100)	\$ 8	79074.0%
INTERAGENCY TRANSFERS	\$ 78,976	\$ -	\$ 78,294	\$ 78,294	99.1%	\$ 1,852	\$ (1,170)	\$ 69,473	112.7%
TOTAL EXPENDITURES	\$ 33,306,916	\$ 1,520,056	\$ 31,309,344	\$ 32,829,400	98.6%	\$ 456,033	\$ 21,483	\$ 33,169,256	99.0%

Less Personal Svcs:	\$ (21,483)
Available for Reallocation	\$ (0)

Notes: The reallocation cost is an estimate.

LOUISIANA PUBLIC DEFENDER BOARD DETAIL OF OTHER CHARGES						
DESCRIPTION	FY 15-16 EXPENDITURE BUDGET	YTD EXPENDITURES	YTD ENCUMBRANCES	PROJECTED EXPENDITURES	EXPEND, ENCUMB, & PROJECTED EXPEND	AVAILABLE FOR REALLOCATION
<i>Administrative (less Personal Services)</i>	964,539	638,883	84,762	18,277	741,922	222,617
District Assistance	16,109,892	16,137,865	0	251,684	16,389,549	(279,657)
Budget - Contract Programs	398,298	194,355	130,512		324,867	73,431
Contracts -						
Baton Rouge Capital Conflict	1,135,000	1,040,417	94,583	0	1,135,000	0
Capital Appeals Project	1,092,852	1,001,781	91,071	0	1,092,852	0
Capital Defense Project of SE Louisiana	1,891,423	1,891,423	0	0	1,891,423	0
Capital Post-Conviction Project of Louisiana - EW	800,000	733,333	66,667		800,000	0
Capital Post-Conviction Project of Louisiana (OPER)	2,461,750	2,256,604	205,146	0	2,461,750	0
Innocence Project New Orleans	400,000	366,667	33,333	0	400,000	0
Louisiana Crisis Assistance Center	1,298,305	1,190,113	108,192	0	1,298,305	0
Louisiana Appellate Project (EW)	823,551	769,250	54,300	0	823,551	0
Louisiana Appellate Project (LAP Operations)	1,904,864	1,746,125	158,739	0	1,904,864	0
LA Center for Children's Rights (JRS)	510,000	467,500	42,500	0	510,000	0
Angola 5	396,326	60,673	335,653	0	396,326	0
Total Contracts	13,112,369	11,718,241	1,320,696	0	13,038,938	73,431
Auditor -LCLE Grant	74,608	55,090	19,518	0	74,608	0
SOAP	56,845	38,730	18,115	0	56,845	0
DNA Testing Post-Conviction	27,075	5,258	0	21,817	27,075	0
Indigent Parent Representation	963,288	979,680	0	0	979,680	(16,392)
Arnold Foundation	119,551	36,585	76,966	6,000	119,551	0
Total Other	1,241,367	1,115,343	114,599	27,817	1,138,208	(16,392)
TOTAL LA PUBLIC DEFENDER FUND - OTHR CHRGS	30,463,628	28,971,450	1,435,295	279,501	30,566,694	(0)

FY17 DAF ESTIMATED ADJUSTED/CONTINGENCY AMOUNT AND CINC Amount AND EXIGENCY ALTERATION (Calculus based on 65% DAF Allocation of the estimated \$32.69M State Appropriation and Full CINC Funding)

A	B	C	D	E	F	G
District (Color Key: Green = Accruing; Yellow = Solvent but Depleting Fund Balance; Red = Break-Even due to Adjustment Formula)	Total Adjusted/Contingency DAF Funding Amount 65% of \$32.69M	FY17 CINC Amount Assuming full \$979,680 Appropriation	Total State Funds at 65% of \$32.69M/Full CINC Amount: FY17 Adjusted DAF Final Voucher Amount PLUS FY17 full CINC Voucher Amount	FY17 DAF Exigency Alteration Amount	Proposed FINAL FY17 DAF After Exigency Alteration	\$155K FY16 Year-End June disbursement for Exigency
1	1,826,027	100,357	1,926,384		1,926,384	
2	66,680	717	67,397		67,397	
3	142,142	12,186	154,328		154,328	
4	849,927	42,532	892,459		892,459	
5	137,451	26,762	164,213		164,213	
6	111,782	5,018	116,800		116,800	
7	180,273	4,540	184,812		184,812	
8	69,174	4,062	73,236	55,000	128,236	
9	475,696	32,497	508,193		508,193	
10	233,962	6,213	240,174		240,174	
11	361,059	14,576	375,635		375,635	
12	197,778	956	198,734		198,734	
13	108,247	7,407	115,654		115,654	
14	908,166	69,772	977,939		977,939	
15	1,485,423	67,622	1,553,045		1,553,045	
16	972,125	16,726	988,851	(10,000)	978,851	15,000
17	241,588	23,178	264,766		264,766	
18	154,080	12,903	166,983		166,983	
19	1,813,426	31,541	1,844,967	(30,000)	1,814,967	70,000
20	81,637	2,389	84,026	35,000	119,026	
21	1,247,988	108,721	1,356,709		1,356,709	
22	1,524,939	126,642	1,651,580		1,651,580	
23	468,164	22,222	490,386	(25,000)	465,386	30,000
24	590,813	76,941	667,754		667,754	
25	206,495	3,823	210,318		210,318	
26	952,439	34,886	987,325		987,325	
27	401,044	1,434	402,478		402,478	
28	136,520	717	137,237	(10,000)	127,237	20,000
29	34,106	-	34,106		34,106	
30	196,156	13,142	209,298		209,298	
31	310,516	4,779	315,295		315,295	
32	502,133	34,647	536,780		536,780	
33	111,491	5,018	116,508		116,508	
34	339,995	17,921	357,915	(15,000)	342,915	20,000
35	142,543	7,407	149,951		149,951	
36	69,607	9,797	79,404		79,404	
37	143,014	3,345	146,360		146,360	
38	0	-	0		0	
39	59,414	1,673	61,087		61,087	
40	0	-	0		0	
41	3,381,122	24,611	3,405,734		3,405,734	
42	0	-	0		0	
-	21,235,140	979,680	22,214,820	0	22,214,820	

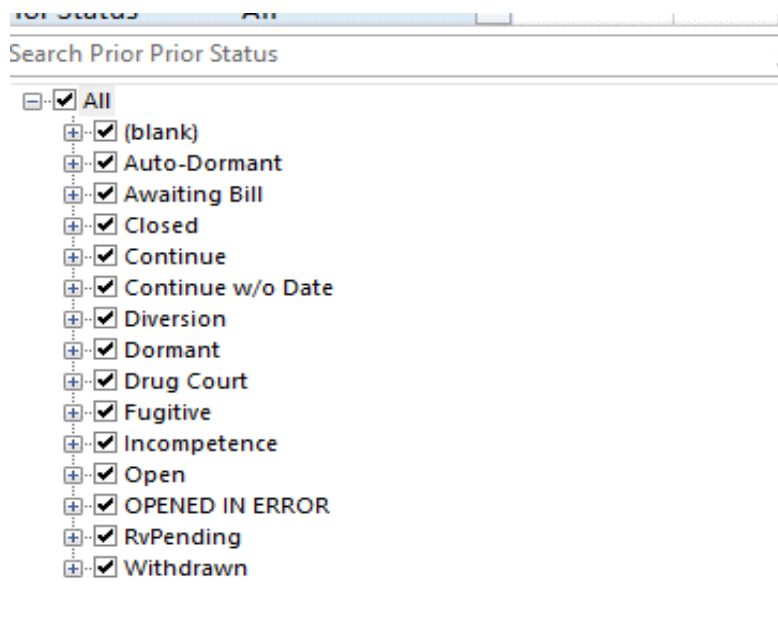
(65% of \$32,669,446 estimated HB1 Appropriation)

	A	B	C	D	E	I	J
1		FY16				62%	
2	DAF	\$ 15,856,082				\$20,165,589	
3	District Program Funds	\$ -				\$623,339	
4	Trial-level Capital	\$ 5,643,278				\$3,905,000	
5	Post-Trial Capital	\$ 4,354,602				\$2,725,000	
6	Non-Capital Programs	\$ 2,814,864				\$2,533,378	
7	Angola 5	\$ 521,326				\$0	
8	SOAP	\$ 250,000				\$250,000	
9	DNA Testing	\$ 28,500				\$28,500	
10	Indigent Parent	\$ 979,680				\$979,680	
11	Grants	\$ 143,359				\$143,359	
12	LPDB Admin	\$ 3,084,991				\$2,322,838	
13	TOTAL	\$ 33,676,682				\$33,676,682	
14							
15	PD Fund	\$ 32,525,143					
16							
17	Contract Programs	\$ 12,812,744		Everything but capital		\$26,423,343	
18				Capital Programs		\$6,630,000	
19	Capital Programs	\$ 9,997,880		District Program Funds		\$623,339	
20						\$33,676,682	
21	FY16 Division of Capital Money						
22	Trial capital	56%		Increase DAF		27%	
23	Post-trial capital	44%		Reduction Capital programs		-34%	
24				Reduction state office		-25%	
25				Reduction non-capital programs		-10%	
26							
27	FY16 Division non-cap programs						
28	LAP	\$ 1,904,864				\$1,714,378	
29	IPNO	\$ 400,000				\$360,000	
30	LCCR	\$ 510,000				\$459,000	
31		\$ 2,814,864					
32							
33	Percentage of non-CAP FY17	90%					
34							
35	Capital Agency	FY16		FY17 Approved		62% DAF	
36	BRCCO	\$1,135,000		\$600,000		\$1,135,000	
37	CDPSELA	\$2,063,370		\$600,000		\$1,135,000	
38	LCAC	\$1,048,350		\$600,000		\$900,000	
39	NWLA	\$250,000		\$250,000		\$235,000	
40	Trial Expert	\$651,603		\$200,000		\$500,000	
41	<i>Contracts</i>	\$500,000		\$ -			
42	Trial sub-total		\$5,648,323		\$2,250,000	\$ -	\$3,905,000
43							
44	CAP	\$1,092,852		\$480,000		\$1,090,000	
45	CPCPL	\$2,461,750		\$600,000		\$1,135,000	
46	PCR Expert	\$800,000		\$170,000		\$500,000	
47	Post-Trial Sub-total		\$4,354,602		\$1,250,000	\$ -	\$2,725,000
48	TOTAL		\$10,002,925		\$3,500,000		\$6,630,000

**Cases by District as of May 30 with the
status of "Wait List-ROS" listed by the status
entered PRIOR to being changed/set to
"Wait List-ROS"**

District	Wait List ROS Cases
LA - District 05	12
LA - District 08	44
LA - District 15	5297
LA - District 16	250
LA - District 19	196
LA - District 22	16
LA - District 23	156
LA - District 24	1
LA - District 25	10
LA - District 26	3
LA - District 28	76
LA - District 30	40
LA - District 32	7
LA - District 34	93
LA - District 41	116
LA - District 42	1
Grand Total	6318

The following screenshot is the complete pulldown menu
for data entry in the case status field for cases PRIOR to
being classified as "Waitlist-ROS"



District w Prior Status (before WaitList-ROS Status Change)	Total Wait List ROS Cases
LA - District 05	12
Open	12
LA - District 08	44
Auto-Dormant	1
Continue w/o Date	1
Open	42
LA - District 15	5297
Auto-Dormant	100
Awaiting Bill	1274
Closed	63
Continue	17
Continue w/o Date	37
Diversion	41
Dormant	1
Drug Court	2
Fugitive	1891
Incompetence	7
Open	1851
OPENED IN ERROR	1
Probation	1
RvPending	1
Withdrawn	10
LA - District 16	250
Auto-Dormant	5
Awaiting Bill	109
Closed	2
Continue	3
Drug Court	1
Fugitive	15
Incompetence	1
Open	112
Withdrawn	2
LA - District 19	196
Auto-Dormant	139
Closed	1
Open	56
LA - District 22	16
Awaiting Bill	6
Open	2
Withdrawn	8

District w Prior Status (before WaitList-ROS Status Change)	Total Wait List ROS Cases
LA - District 23	156
Auto-Dormant	14
Closed	9
Continue	1
Fugitive	15
Open	115
Probation	1
RvPending	1
LA - District 24	1
Open	1
LA - District 25	10
Awaiting Bill	4
Open	6
LA - District 26	3
Awaiting Bill	1
Open	2
LA - District 28	76
Auto-Dormant	2
Closed	1
Open	73
LA - District 30	40
Continue	2
Open	38
LA - District 32	7
Open	7
LA - District 34	93
Closed	6
Open	87
LA - District 41	116
Fugitive	1
Open	110
Withdrawn	5
LA - District 42	1
Closed	1
Grand Total	6318

Public Defense Related Legislation – Status Update 6/09/2016

Bill Number	Author	Summary	Status
HB 1	Rep. Henry	FY16-17 Appropriations Bill	Sent to Governor
HB 136	Rep. Mack	1-yr Extension of \$10 Increase	Act 239
HB 264	Rep. Mack	Juvenile LWOP	House adopted conference report; Senate adjourned Sine Die without taking action
HB 547	Rep. Jackson	Uniform form for indigency determination	Act 224
HB 588	Rep. R. Johnson	Changes LDR offset claims to \$4	Act 11
HB 627	Rep. Jackson	Provides all Mayor's Courts may increase fees by \$20 provided that \$10 goes to PDO	Act 361
HB 689	Rep. Sam Jones	Creates five breakaway PDO's in 16th	Sent to Governor
HB 809	Rep. Schroder	Curatorship	Sent to Governor
HB 1137	Rep. Mack	Re-vamp of LPDB	Sent to Governor
SB 219	Sen. Claitor	Removes exception for forfeitures of criminal bail bonds posted by a commercial security so that forfeitures are to be distributed in the same manner as any other fine or forfeiture	Act 272
SB 302	Sen. Morrell	Safe & Fair Return Act (LCCR Package)	Sent to Governor
SB 324	Sen. Morrell	Raise the Age (LCCR Package)	Sent to Governor
SB 374	Sen. Lambert	80% of Public Defender Fund goes to district based on arrests	Voluntarily deferred
SB 418	Sen. Lambert	Debtor's Prisons	Voluntarily deferred
HR 231	Speaker Barras	Directs the treasurer to allocate money deposited into the state treasury from constitutional and statutory dedications that flow through the Bond Security and Redemption Fund for the purpose of paying state debt	Filed with the Secretary of State

Red print = full document is provided in board books

ACT No. 239

2016 Regular Session

HOUSE BILL NO. 136

BY REPRESENTATIVE MACK

1 AN ACT

2 To amend and reenact R.S. 15:168(B)(1), relative to the judicial district indigent defender
3 fund; to extend the period of time in which the special cost assessed in criminal cases
4 in each judicial district court shall be collected for the district indigent defender fund;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:168(B)(1) is hereby amended and reenacted to read as follows:

8 §168. Judicial district indigent defender fund

9 * * *

10 B.(1) Every court of original criminal jurisdiction, except in the town of
11 Jonesville, in the city of Plaquemine, and in mayors' courts in municipalities having
12 a population of less than five thousand, shall remit the following special costs to the
13 district indigent defender fund for the following violations, under state statute as well
14 as under parish or municipal ordinance, except a parking violation. The sum of
15 forty-five dollars shall be assessed in cases in which a defendant is convicted after
16 a trial, a plea of guilty or nolo contendere, or after forfeiting bond and shall be in
17 addition to all other fines, costs, or forfeitures imposed. The court cost of forty-five
18 dollars authorized by the provisions of this Subsection shall expire on August 1,
19 ~~2016~~ 2017, and thereafter the court cost authorized by the provisions of this
20 Subsection shall be thirty-five dollars. The Louisiana Public Defender Board shall
21 provide a detailed report to the Louisiana Legislature prior to the ~~2016~~ 2017 Regular
22 Session detailing how the funds provided for by this Subsection were utilized in each

3 * * *

GOVERNOR OF THE STATE OF LOUISIANA

Page 2 of 2

ACT No. 224

2016 Regular Session

HOUSE BILL NO. 547

BY REPRESENTATIVE JACKSON

1 AN ACT

2 To enact R.S. 15:175(D), relative to public defender services; to provide with respect to
3 determinations of indigency; to authorize the adoption of a uniform form to be used
4 in determining indigency; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:175(D) is hereby enacted to read as follows:

7 §175. Proceedings to determine indigency

8 * * *

9 D. The judicial administrator for the Louisiana Supreme Court shall develop
10 a form to be used by the court in determining indigency. The form, at a minimum,
11 shall include the following determinations by the court:

12 (1) Whether the defendant receives any form of public assistance.

13 (2) The occupational status of the defendant and income, if any.

14 (3) Whether the payment of legal fees would deprive the defendant or his
15 dependents of necessities of life including clothing, shelter, or food.

16 (4) Whether the defendant is eligible for indigent defender services based
17 upon the defendant's income and assets.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 361

2016 Regular Session

HOUSE BILL NO. 627

BY REPRESENTATIVE JACKSON

1 AN ACT

2 To amend and reenact R.S. 33:441(A)(2) and (3) and Section 2 of Act No. 13 of the 2013
3 Regular Session of the Legislature and to enact R.S. 33:441(A)(4), relative to court
4 costs assessed by mayor's courts; to authorize an additional court cost to be assessed;
5 to provide that a portion of such costs shall support the local public defender's office;
6 to provide for effectiveness; to extend the effectiveness of court costs authorized to
7 be imposed in certain mayor's courts; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:441(A)(2) and (3) are hereby amended and reenacted and R.S.
10 33:441(A)(4) is hereby enacted to read as follows:

11 §441. Mayor's court

12 A.

13 * * *

14 (2) Notwithstanding any other provision of law to the contrary, the mayor
15 may impose additional court costs not to exceed twenty dollars for each offense, as
16 defined by ordinance or traffic violation, on any defendant convicted of a violation
17 of a municipal ordinance, provided that ten dollars of such additional court costs
18 collected shall be remitted to the local public defender's office.

19 ~~(2)~~(3) The mayor may suspend the execution in whole or in part of a fine or
20 imprisonment, or both, imposed for violation of a municipal ordinance and place the
21 defendant on unsupervised or supervised probation with such conditions as the
22 mayor may fix and, at any time during the probation, modify, add, or discharge. The
23 probation shall be for a period as the mayor shall specify up to one year. The mayor

1 may terminate or revoke the probation at any time. At the termination of the
2 probation, the mayor may set the conviction aside and dismiss the prosecution.

3 ~~(3)~~(4) Notwithstanding any other provision of law to the contrary, when a
4 defendant has been convicted of violation of a municipal ordinance, the mayor may
5 suspend the imposition or the execution of the whole or any part of the sentence and
6 place the defendant on unsupervised probation upon such conditions as the mayor
7 may fix. Such suspension of sentence and probation shall be for a period of six
8 months or such shorter period as the mayor may specify. But in no case shall the
9 probationary period imposed exceed the maximum penalty of imprisonment that may
10 be imposed for violation of a particular ordinance.

11 * * *

12 Section 2. Section 2 of Act No. 13 of the 2013 Regular Session of the Legislature
13 is hereby amended to read as follows:

14 Section 2. R.S. 33:447.11 as enacted by this Act shall be null and void on
15 and after August 1, 2020 ~~2016~~.

16 Section 3. This Act shall become effective upon signature by the governor or if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

BY REPRESENTATIVE JONES

To amend and reenact R.S. 13:2005.1, 2488.7, and 2488.77 and to enact R.S. 13:2005(D) and (E) and 2013, relative to city courts; to provide for the city courts of New Iberia, Franklin, Breaux Bridge, Jeanerette, and Morgan City; to provide for the creation of Indigent Defender Fund Boards in those city courts; to provide for membership; to provide relative to fees collected for purposes of indigent defense; to deposit a portion of those fees into a special fund; and to provide for related matters.

Section 1. R.S. 13:2005.1, 2488.7, and 2488.77 are hereby amended and reenacted and R.S. 13:2005(D) and (E) and 2013 are hereby enacted to read as follows:

* * *

E. The Morgan City Indigent Defender Fund Board shall manage and oversee funds remitted to the Morgan City Indigent Defender Fund and shall consist of three members residing in the Morgan City Court district and shall be composed of the following:

(2) One member appointed by the St. Mary Parish Council.

1 (3) One member appointed by the legislative delegation from nominees from
2 the Louis A. Martinet Legal Society.

3 §2005.1. New Iberia

4 A. Fines, forfeitures and penalties imposed in criminal prosecutions by the
5 city court of New Iberia for city violations shall be paid into the city treasury of the
6 city of New Iberia; fines, forfeitures and penalties under state statutes shall be paid
7 into the city treasury of the city of New Iberia. Costs assessed in criminal matters by
8 the city court of New Iberia shall be disposed of and used as is provided by R.S.
9 13:1899.

10 B. Notwithstanding any other provision of this Section to the contrary, thirty
11 percent of the funds collected by the city court of New Iberia pursuant to the
12 provisions of R.S. 15:168(B) shall be deposited into a special fund created for this
13 purpose. The fund shall be referred to as the New Iberia Indigent Defender Fund.

14 C. The New Iberia Indigent Defender Fund Board shall manage and oversee
15 funds remitted to the New Iberia Indigent Defender Fund and shall consist of three
16 members residing in the New Iberia City Court district and shall be composed of the
17 following:

18 (1) One member appointed by the city council of New Iberia.

19 (2) One member appointed by the Iberia Parish Council.

20 (3) One member appointed by the legislative delegation from nominees from
21 the Louis A. Martinet Legal Society.

22 * * *

23 §2013. Jeanerette

24 A. Thirty percent of the funds collected by the city court of Jeanerette
25 pursuant to the provisions of R.S. 15:168(B) shall be deposited into a special fund
26 created for this purpose. The fund shall be referred to as the Jeanerette Indigent
27 Defender Fund.

28 B. The Jeanerette Indigent Defender Fund Board shall manage and oversee
29 funds remitted to the Jeanerette Indigent Defender Fund and shall consist of three

1 members residing in the Jeanerette City Court district and shall be composed of the
2 following:

3 (1) One member appointed by the city council of Jeanerette.

4 (2) One member appointed by the Iberia Parish Council.

5 (3) One member appointed by the legislative delegation from nominees from
6 the Louis A. Martinet Legal Society.

7 * * *

8 §2488.7. Collection of fines, forfeitures, penalties and costs

9 A. The city judge or any officer of the city court as may be designated by the
10 city judge, shall collect all fines, forfeitures, penalties and costs, and all funds so
11 collected, excluding costs, shall be paid into the town treasury of the town of
12 Franklin when the prosecution is on behalf of the town, and into the parish treasury
13 when the prosecution is on behalf of the state or the parish.

14 B. Notwithstanding any other provision of this Section to the contrary, thirty
15 percent of the funds collected by the city court of Franklin pursuant to the provisions
16 of R.S. 15:168(B) may be deposited into a special fund created for this purpose. The
17 fund shall be referred to as the Franklin Indigent Defender Fund.

18 C. The Franklin Indigent Defender Fund Board shall manage and oversee
19 funds remitted to the Franklin Indigent Defender Fund and shall consist of three
20 members residing in the Franklin City Court district and shall be composed of the
21 following:

22 (1) One member appointed by the city council of Franklin.

23 (2) One member appointed by the St. Mary Parish Council.

24 (3) One member appointed by the legislative delegation from nominees from
25 the Louis A. Martinet Legal Society.

26 * * *

27 §2488.77. Collection of fines, forfeitures, penalties, and costs

28 A. The city judge, or any other officer of the city court designated by the city
29 judge, shall collect all fines, forfeitures, penalties, and costs, and all funds so
30 collected, excluding costs, shall be paid into the town treasury of the town of Breaux

1 Bridge when the prosecution is on behalf of the town, and into the parish treasury of
2 the St. Martin Parish police jury general fund when the prosecution is on behalf of
3 the state or the parish.

4 B. Notwithstanding any other provision of this Section to the contrary, thirty
5 percent of the funds collected by the city court of Breaux Bridge pursuant to the
6 provisions of R.S. 15:168(B) shall be deposited into a special fund created for this
7 purpose. The fund shall be referred to as the Breaux Bridge Indigent Defender Fund.

8 C. The Breaux Bridge Indigent Defender Fund Board shall manage and
9 oversee funds remitted to the Breaux Bridge Indigent Defender Fund and shall
10 consist of three members residing in the Breaux Bridge City Court district and shall
11 be composed of the following:

12 (1) One member appointed by the city council of Breaux Bridge.

13 (2) One member appointed by the St. Martin Parish Council.

14 (3) One member appointed by the legislative delegation from nominees from
15 the Louis A. Martinet Legal Society.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2016 Regular Session

HOUSE BILL NO. 1137 (Substitute for House Bill No. 818 by Representative Mack)

BY REPRESENTATIVE MACK

1 AN ACT

2 To amend and reenact R.S. 15:146 and to enact R.S. 15:162(I), 166, and 167(E), relative to
3 indigent defender services; to amend provisions of the Louisiana Public Defender
4 Act; to provide for membership of the Louisiana Public Defender Board; to reduce
5 the number of members on the board; to provide with respect to the powers and
6 duties of the board; to provide relative to member qualifications; to provide with
7 respect to the dispersal of funds; to provide with respect to the delivery of indigent
8 defender services; to provide definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:146 is hereby amended and reenacted and R.S. 15:162(I), 166,
11 and 167(E) are hereby enacted to read as follows:

12 §146. Louisiana Public Defender Board

13 A.(1) There is hereby created and established as a state agency within the
14 office of the governor the Louisiana Public Defender Board to provide for the
15 supervision, administration, and delivery of a statewide public defender system,
16 which ~~must~~ shall deliver uniform public defender services in all courts in this state.

17 The board shall be a body corporate with the power to sue and be sued.

18 (2) The board and its agents and employees shall be subject to the Code of
19 Governmental Ethics, the law relative to public records and open meetings, the law
20 relative to public bid and procurement, and all other provisions of law applicable to
21 state agencies.

22 (3) ~~Members of the Indigent Defense Assistance Board serving on August~~
23 ~~15, 2007, shall continue to serve as members of the Louisiana Public Defender Board~~

1 ~~without limitation of their term.~~ The two members of the Louisiana Public Defender
2 Board appointed by the president of the Louisiana State Bar Association, the member
3 appointed by the chairman of the Louisiana State Law Institute's Children's Code
4 Committee, the member appointed by the President of the Louisiana Chapter of the
5 Louis A. Martinet Society, the member appointed by the Louisiana Interchurch
6 Conference, the two members appointed by the governor and the four members
7 appointed by the governor and nominated by the four law schools, as formerly
8 provided in this Section, shall terminate their service on August 1, 2016.

9 (4) To the extent practicable, the board shall be comprised of members who
10 reflect the racial and gender makeup of the general population of the state, and who
11 are geographically representative of all portions of the state.

12 (5) When a vacancy occurs, whether by expiration of a term, resignation, or
13 other event, the board staff shall submit to the appointing entity a list identifying the
14 residency of the current board members by congressional district, and request that,
15 to the extent possible, the entity make the appointment from the residents of under-
16 represented districts.

17 B.(1) The board shall consist of ~~fifteen~~ eleven members.

18 (2) Persons appointed to the board shall have significant experience in the
19 defense of criminal proceedings or shall have demonstrated a strong commitment to
20 quality representation in indigent defense matters. No person shall be appointed to
21 the board ~~that~~ who has received compensation to be an elected judge, elected official,
22 judicial officer, prosecutor, law enforcement official, indigent defense provider, or
23 employees of all such persons, within a two-year period prior to appointment. No
24 active part-time, full-time, contract or court-appointed indigent defense provider, or
25 active employees of such persons, may be appointed to serve on the board as a voting
26 member. No person having an official responsibility to the board, administratively
27 or financially, or their employee shall be appointed to the board ~~until two years have~~
28 ~~expired from the time the person held such position and the date of appointment to~~
29 ~~the board~~ during their term of office. The majority of board members shall be
30 current members of the Louisiana State Bar Association. Representatives of the

1 client community shall not be prohibited from serving as voting members of the
2 board. ~~With the exception of mandatory affiliation of the Louisiana State Bar~~
3 ~~Association, no state or local association of lawyers shall have more than one active~~
4 ~~board member or officer as a voting member of the Louisiana Public Defender~~
5 ~~Board.~~

6 (3) The members shall be selected as follows:

7 (a) The governor shall appoint ~~two~~ five members, one from each appellate
8 court district, and shall designate the chairman.

9 (b) The five members shall be appointed from a list of three nominees
10 submitted to the governor by a majority of the district public defenders providing
11 public defender services in each appellate district.

12 ~~(b)~~(c) The chief justice of the Supreme Court of Louisiana shall appoint ~~two~~
13 four members, one member shall be a juvenile justice advocate; ~~the other one~~
14 member shall be a retired judge with criminal law experience; and two members
15 shall be at large.

16 ~~(c)~~(d) The president of the Senate and the speaker of the House of
17 Representatives shall each appoint one member.

18 (d) ~~The governor shall appoint one member representing the Louisiana State~~
19 ~~University Paul M. Hebert Law Center who is an active employee, retired employee~~
20 ~~or has an academic association with the Paul M. Hebert Law Center.~~

21 ~~(e) The governor shall appoint one member representing the Loyola~~
22 ~~University School of Law who is an active employee, retired employee or has an~~
23 ~~academic association with the Loyola University School of Law.~~

24 ~~(f) The governor shall appoint one member representing the Southern~~
25 ~~University Law Center who is an active employee, retired employee or has an~~
26 ~~academic association with the Southern University Law Center.~~

27 ~~(g) The governor shall appoint one member representing the Tulane~~
28 ~~University School of Law who is an active employee, retired employee or has an~~
29 ~~academic association with the Tulane University School of Law.~~

1 ~~(h) The president of the Louisiana State Bar Association shall appoint two~~
2 ~~members.~~

3 ~~(i) The president of the Louisiana Chapter of the Louis A. Martinet Society~~
4 ~~shall appoint one member.~~

5 ~~(j) The chairman of the Louisiana State Law Institute's Children Code~~
6 ~~Committee shall appoint one member.~~

7 ~~(k) The executive director of the Louisiana Interchurch Conference shall~~
8 ~~appoint one member.~~

9 ~~(f)~~(e) All appointments to the board shall be subject to confirmation by the
10 Senate.

11 (4) A vacancy on the board shall be filled in the same manner as the original
12 appointment.

13 (5) Members of the board shall serve staggered terms of four years, ~~after~~
14 ~~initial terms as follows:~~

15 ~~(a) Two members shall be immediately appointed to a four-year term by the~~
16 ~~chief justice of the Louisiana Supreme Court.~~

17 ~~(b) One member shall be immediately appointed to a two-year term by the~~
18 ~~governor representing the Louisiana State University Paul M. Hebert Law Center.~~

19 ~~(c) One member shall be immediately appointed to a three-year term by the~~
20 ~~governor representing the Loyola University School of Law.~~

21 ~~(d) One member shall be immediately appointed to a three-year term by the~~
22 ~~governor representing the Southern University Law Center.~~

23 ~~(e) One member shall be immediately appointed to a four-year term by the~~
24 ~~governor representing the Tulane University School of Law.~~

25 ~~(f) Upon the first expiration of the term or resignation by a current appointee~~
26 ~~of the governor, one member shall be appointed to a four-year term by the executive~~
27 ~~director of the Louisiana Interchurch Conference.~~

28 ~~(g) Upon the first expiration of the term or resignation by a current appointee~~
29 ~~of the president of the Senate, one member shall be appointed to a two-year term by~~
30 ~~the president of the Louisiana State Bar Association.~~

1 ~~(h) Upon the second expiration of the term or resignation by a current~~
2 ~~appointee of the president of the Senate, one member shall be appointed to a four-~~
3 ~~year term by the president of the Louisiana State Bar Association.~~

4 ~~(i) Upon the third expiration of the term or resignation by a current appointee~~
5 ~~of the president of the Senate, one member shall be appointed to a three-year term~~
6 ~~by the president of the Senate.~~

7 ~~(j) Upon the first expiration of the term or resignation by a current appointee~~
8 ~~of the speaker of the House of Representatives, one member shall be appointed to a~~
9 ~~two-year term by the president of the Louisiana Chapter of the Louis A. Martinet~~
10 ~~Society.~~

11 ~~(k) Upon the second expiration of the term or resignation by a current~~
12 ~~appointee of the speaker of the House of Representatives, one member shall be~~
13 ~~appointed to a four-year term by the chairman of the Louisiana State Law Institute's~~
14 ~~Children Code Committee.~~

15 ~~(l) Upon the third expiration of the term or resignation by a current appointee~~
16 ~~of the speaker of the House of Representatives, one member shall be appointed to a~~
17 ~~three-year term by the speaker of the House of Representatives.~~

18 ~~(6) In addition there shall be two ex officio, nonvoting members of the board~~
19 ~~who shall not be counted or be permitted to be counted for purposes of the number~~
20 ~~of members necessary to take board action or the number of members necessary to~~
21 ~~establish a quorum. In all other respects they have all the duties, authority,~~
22 ~~requirements, and benefits, except per diem, of any other board member. Each of the~~
23 ~~following organizations shall appoint one such member:~~

24 ~~(a) The Louisiana Association of Criminal Defense Lawyers.~~

25 ~~(b) The Louisiana Public Defender's Association.~~

26 ~~C. Nothing in this Section shall limit the length of the term for any board~~
27 ~~members serving on the Indigent Defense Assistance Board on August 15, 2007,~~
28 ~~except that they may be removed for just cause, or as provided in Subsection D of~~
29 ~~this Section. However, members who have not previously been confirmed by the~~
30 ~~Senate, shall be subject to Senate confirmation.~~

~~D.C.~~(1) A member may be removed for excessive absences from meetings.

For the purposes of this Subsection, "excessive absences" means ~~failure to attend three consecutive meetings or more than fifty percent of the meetings of the board conducted during a year~~ missing four duly noticed meetings within a period of eighteen months or three duly noticed meetings within a period of ten months.

(2) Upon review of board member attendance, if a board member has been excessively absent from board meetings, the chairman shall inform the board of the absences and shall send written notice on behalf of the board to the member requesting that the member resign his position on the board. If the member refuses to resign, the board shall remove the member for excessive absences in accordance with the provisions of this Subsection.

(3) If a member is removed as provided by this Subsection, the board shall send written notice to the member informing him of his removal and notify the appropriate appointing authority of the vacancy on the board.

~~E~~D. The board shall notify the appropriate appointing authority of any board vacancy which occurs for any reason.

* * *

§162. Vacancies in position of district public defender; formation of district public defender selection committee; powers and duties of committee; process for filling vacancy for district public defender; interim district public defender

* * *

I.(1) Board staff shall not require of the district public defenders or their staff any response with a due date less than six working days from the first full day since the request is received, other than during a natural emergency. The time period provided for in this Paragraph shall not include responses requested by the governor, the House Committee on Administration of Criminal Justice, or the Senate Committee on Judiciary C.

(2) The board shall make every effort to end the use of paper reports and shall make every effort to rely on searchable digital data in order to reduce costs of operation.

* * *

§166. Disbursement of funds

A. The board shall not disburse funds to a non-governmental entity unless it establishes a benefit to the function of the board pursuant to law, and unless services are actually delivered. Under no circumstances shall the board disburse state funds for the purpose of savings, reserves, or other purposes related primarily to the economic health of the non-governmental entity or its owners and employees.

B. Any service which the board seeks, other than the Louisiana Appellate Project or the Capital Appeals Project, which are statewide programs, shall be subject to an application process by which the board provides objective deliverables and allows the district defenders to make application upon the same terms as a non-governmental entity to provide services in that district or a regional area for services as provided by law.

C. No provision of Louisiana law authorizing the return or rollback of funds from governmental programs to the division of administration shall apply to the board account during an emergency shortfall in funding as certified by the board with the approval of the chief justice of the Louisiana Supreme Court.

§167. Louisiana Public Defender Fund

* * *

E. The board shall dedicate and disburse at least sixty-five percent of the entirety of its annual budget and its funds in the Louisiana Public Defender Fund as defined in Subsection A of this Section each fiscal year to the district defender offices and their indigent defender funds as defined in R.S. 15:168(A) in the various judicial districts throughout the state. Any funds disbursed to any district defender office shall be paid in addition to the minimum mandatory sixty-five percent of dedicated and disbursed funds required in this Subsection. The provisions of this

1 Subsection shall not apply to statutorily dedicated funds or funds received through
2 the awarding of grants.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 219

BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 15:571.11(A)(1)(a), the introductory paragraph of (A)(2), and the introductory paragraph of (L), relative to bail; to provide relative to the disposition of fines and bail bond forfeitures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.11(A)(1)(a), the introductory paragraph of (A)(2), and the introductory paragraph of (L) are hereby amended and reenacted to read as follows:

§571.11. Dispositions of fines and forfeitures

A.(1)(a) All fines and forfeitures, except for forfeitures of criminal bail bonds ~~posted by a commercial security~~ imposed by district courts and district attorneys, conviction fees in criminal cases, and prosecutions for violations of state law or parish ordinances, upon collection by the sheriff or executive officer of the court, shall be paid into the treasury of the parish in which the court is situated and deposited in a special "Criminal Court Fund" account, which, on motion by the district attorney and approval order of the district judge, may be used or paid out in defraying the expenses of the criminal courts of the parish as provided in Ch.C. Articles 419 and 421 and R.S. 16:6, in defraying the expenses of those courts in recording and transcribing of testimony, statements, charges, and other proceedings in the trial of indigent persons charged with the commission of felonies, in defraying their expenses in the preparation of records in appeals in such cases, for all expenses and fees of the petit jury and grand jury, for witness fees, for attendance fees of the sheriff and clerk of court, for costs and expenses of a parish law library, and for other expenses related to the judges of the criminal courts and the office of the district attorney. In the Second Judicial District, the criminal court fund shall be used to defray the expenses of the criminal court system.

* * *

(2) All fines and forfeitures, except for forfeitures of criminal bail bonds ~~posted by a commercial surety~~ imposed by district courts and collected by the sheriff or executive officer of the court for violations of municipal ordinances shall be disbursed as follows, except in the case of violations of any of the provisions of Title 32 of the Louisiana Revised Statutes of 1950, wherein such proceeds shall be distributed in accordance with Subparagraph A(1)(a) of this Section:

* * *

L. All judgments of bond forfeiture rendered after ~~June 22, 1993~~ **August 1, 2016**, resulting from the posting of a ~~commercial-surety~~ bond in a criminal proceeding in the state of Louisiana upon collection by the prosecuting attorney for the jurisdiction in which the bond was posted shall be paid to the prosecuting attorney who shall, as attorney of record in the proceeding, distribute the funds as follows:

* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:

SENATE BILL NO. 302

BY SENATOR MORRELL AND REPRESENTATIVES BAGNERIS AND MARCELLE

AN ACT

To amend and reenact Children's Code Articles 412(C), 905, and 906, and R.S. 15:905(B), and to enact Children's Code Articles 412(D)(12) and 898(D) and (E), and Part III of Code Title XIV of Chapter 1 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:186.1 through 186.6, relative to juvenile justice; to provide for the release of records; to provide for costs; to provide for presumptions of indigence; to provide for hearings; to provide for legal representation of certain juveniles; to create the Safe Return Program; to provide for data collection and reporting; to provide for standards of representation; to create the Safe Return Representation Program fund; to provide for access to counsel; to provide relative to the duration of a disposition based on a felony-grade adjudication; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 412(C), 905, and 906 are hereby amended and reenacted and Children's Code Articles 412(D)(12) and 898(D) and (E) are hereby enacted to read as follows:

Art. 412. Confidentiality of records; disclosure exceptions; sanctions

* * *

C. Records and reports in individual cases may be released to parties, their counsel or other legal representatives, and court-appointed special advocates (CASAs) in accordance with discovery and disclosure provisions of this Code.

Notwithstanding any other provision of law to the contrary, access to review all

records and reports concerning a child in the custody of the office of juvenile justice, including but not limited to records relating to condition, housing, supervision, treatment, rehabilitation program, education, health, discipline, transition planning, risk assessments, and status reports shall be promptly provided to counsel enrolled for the child or engaged by the child, or to the child's legal guardian, upon written request to the office of juvenile justice. If the child is indigent, copies of all records and reports relevant to post-dispositional defense and reentry advocacy shall be furnished at no cost to the child, the child's family, legal guardian, or counsel. Representation by a public defender shall create an irrebuttable presumption of indigence for the purposes of this Paragraph.

D. When such information is relevant and necessary to the performance of their respective duties and enhances services to the child or his family, the court may authorize the release of records, reports, or certain information contained therein to appropriate individuals representing:

* * *

(12) A district public defender or the district public defender's representative, or the representative of a public defender program established pursuant to the Louisiana Public Defender Act of 2007.

* * *

Art. 898. Duration of a disposition based on a felony-grade adjudication

* * *

D. When modification and parole is not prohibited by Article 897.1, if an order of commitment to custody of the Department of Public Safety and Corrections is subsequently modified and the child is placed on parole, the maximum term of parole shall be the remainder of the sentence originally imposed.

E. These maximums do not apply if:

(1) The child was under thirteen at the time of a commitment to custody of the Department of Public Safety and Corrections, in which case the judgment

1 shall terminate upon the child's reaching age eighteen.

2 (2) A portion of an order of commitment was suspended, when permitted
3 by law, in which case the term of parole shall end when the time period so
4 suspended has elapsed.

5 (3) The child is tried as an adult and is convicted of, or pleads guilty to
6 a felony after having been committed to the Department of Public Safety and
7 Corrections. In this instance, after sentencing, the department shall have the
8 authority to keep the offender in custody according to terms of the juvenile
9 disposition, or to transfer him to serve his adult sentence. The department shall
10 retain such authority until the expiration of the juvenile commitment when, if
11 not effected earlier, the individual will be transferred to begin serving the adult
12 sentence.

13 (4) The judgment expires by its own terms, is modified when permitted
14 by law, or is vacated.

15 (5)The child reaches age twenty-one.

16 (6) The child is ordered to participate in a juvenile drug court program
17 operated by a court of this state, as a condition of probation, so long as the child
18 is a full-time participant in such juvenile drug court program.

19 * * *

20 Art. 905. Progress reports to court

21 A. Any institution or agency to which a child is assigned, upon request, shall
22 provide the court any information concerning the condition, supervision, treatment,
23 or rehabilitation program of the child. When such information is provided to the
24 court, it shall also be provided to the state and to counsel for the child at the
25 same time it is provided to the court.

26 B. Any institution, agency, or person to which a child is assigned shall, not
27 less than once every six months, report in writing the whereabouts and condition of
28 the child to the judge who rendered the judgment of disposition and to counsel for
29 the child. Such reports shall be provided to the court and counsel for the child
30 not less than seventy-two hours before any in-court review hearing.

C. If the child is indigent, the information and reports contemplated by this Article shall be furnished at no cost to the child, the child's family, or to counsel. Representation by a public defender shall create an irrebuttable presumption of indigence for the purposes of this Article.

D. Information and reports required by this Article may be submitted electronically to the extent practicable.

* * *

Art. 906. Required review hearings; ~~commitment to mental institution~~

A. Commitment to mental institution.

(1) The medical staff of a mental institution to which a child is committed or placed by the Department of Health and Hospitals after the child has been found not guilty by reason of insanity or after a court determines that the child lacks mental capacity to proceed shall review the child's record after the first sixty days, again after one hundred twenty days of commitment, and every one hundred eighty days thereafter.

~~B.~~(2) The purpose of these reviews is to determine the child's present mental condition and whether he is presently capable of being discharged, conditionally or unconditionally, or being placed on probation, without being a danger to others or himself, or is presently capable of proceeding.

~~C.~~(3) The department or the superintendent of the private institution shall make such recommendations to the court as provided in Article 835 or 838.

B. Children in the custody of the office of juvenile justice.

(1) Any child committed by a court to the custody of the office of juvenile justice must be physically transported to the committing court for an in-person review hearing not more than six months after the child's commitment, and at least every six months thereafter, unless such an in-person hearing is waived by counsel for the child and by the committing court.

(2) The purpose of the hearing shall be to ensure the child is receiving necessary treatment and services and all terms and conditions of his disposition are followed. The court may also consider any motions for modification of

1 disposition pursuant to Article 909 et seq. at the hearings.

2 (3) For the purposes of this Paragraph, a child is deemed "committed by
3 a court to the custody of the office of juvenile justice" if he is judicially
4 committed to the legal custody of the office of juvenile justice, regardless of
5 where the child is physically held, including but not limited to state-run secure
6 facilities, state-run non-secure facilities, private facilities with which the office
7 of juvenile justice contracts, and detention centers.

8 * * *

9 Section 2. R. S. 15:905(B) is hereby amended and reenacted and Part III of Code
10 Title XIV of Chapter 1 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of
11 R.S. 15:186.1 through 186.6, is hereby enacted to read as follows:

12 PART III. REPRESENTATION OF CHILDREN IN CUSTODY

13 §186.1. Purpose

14 The purpose of this Part is to provide for an effective and efficient
15 system of providing qualified legal representation for indigent children
16 committed to the custody of the office of juvenile justice pursuant to Title VII
17 and Title VIII of the Louisiana Children's Code and to promote safe return and
18 reentry for youth in custody.

19 §186.2. Definitions

20 For the purposes of this Part, the following words shall have the
21 following meanings:

22 (1) "Board" means the Louisiana Public Defender Board, or any
23 successor to that board, which is authorized to regulate the providing of legal
24 services to indigent persons in criminal proceedings in which the right to
25 counsel attaches under the United States and Louisiana Constitutions. The
26 board is also authorized to regulate the providing of representation to indigent
27 parents as authorized by this Part.

28 (2) "Custody" means the legal custody of the office of juvenile justice,
29 which follows on commitment by a Louisiana court exercising juvenile
30 jurisdiction to the office of juvenile justice as provided in Titles VII and VIII of

1 the Louisiana Children's Code.

2 (3) "District office" means the office of a district public defender.

3 (4) "District public defender", "chief indigent defender", or "chief
4 public defender" means an attorney employed by or under contract with the
5 board to supervise service providers and enforce standards and guidelines
6 within a judicial district or multiple judicial districts.

7 (5) "Indigent child representation" means the providing of legal services
8 to indigent children committed to the custody of the office of juvenile justice
9 pursuant to Title VII and Title VIII of the Louisiana Children's Code.

10 (6) "Office of juvenile justice" and "the office" means the Department
11 of Public Safety and Corrections, youth services, office of juvenile justice.

12 (7) "Public defender" or "indigent defender" means an attorney
13 employed by or under contract with the board, the district public defender, or
14 a nonprofit organization contracting with the board or the district public
15 defender to provide representation as required by the provisions of the
16 Louisiana Children's Code.

17 (8) "Safe Return Program" or "the program" means the Safe Return
18 Representation Program administered pursuant to the Part.

19 §186.3. Safe Return Representation Program; duties of the board; subject to
20 appropriations

21 A.(1) Subject to appropriation and the availability of other monies to the
22 program, the board shall administer a program to provide qualified legal
23 representation to indigent children committed to the custody of the office of
24 juvenile justice pursuant to Title VII and Title VIII of the Louisiana Children's
25 Code and promote safe return and reentry for youth in custody.

26 (2) Except for the regulatory authority of the Louisiana Supreme Court
27 provided for in Article V, Section 5, of the Louisiana Constitution, the Louisiana
28 Public Defender Board or any successor to that board, shall have all regulatory
29 authority, control, supervision, and jurisdiction, including auditing and
30 enforcement, and all power necessary to administer the program throughout the

1 state.

2 B. In the administration of the Safe Return Program, the board shall:

3 (1) Regularly collect detailed data from judicial districts, where
4 applicable, of workload, resources, employees, and expenditures relating to
5 representation of children in the custody of the office of juvenile justice.

6 (2) Review and evaluate the operations of the program and emphasize
7 special training for counsel representing children in the custody of the office of
8 juvenile justice.

9 (3) Review and approve an annual budget for the program.

10 (4) Review and approve an annual report on the operation of the
11 program and submit such report to the legislature, the governor, and the chief
12 justice of the Louisiana Supreme Court.

13 (5) Submit an annual report to the legislature regarding the state of the
14 program. Such report shall include:

15 (a) Recommendations for changes in the law regarding the board or any
16 regulated activity.

17 (b) A detailed explanation of all revenues and expenditures.

18 (c) Comprehensive workload data regarding the program.

19 (6) Ensure all policies, procedures, and public pronouncements of the
20 board recognize the role of attorneys in safeguarding fundamental rights and
21 promoting the safety, reintegration, and well-being of children in the custody
22 of the office of juvenile justice.

23 (7) Promote accessible family preservation, medical resources,
24 educational resources, substance abuse treatment, vocational training, and
25 mental health resources for children in the custody of the office of juvenile
26 justice.

27 (8) Take such actions as necessary and appropriate to secure private and
28 state, federal, or other public funds to help support the program.

29 (9) Institute or cause to be instituted legal proceedings as necessary to
30 enforce any of the duties or powers of the program.

1 (10) Employ and train attorneys and other staff as may be necessary to
2 carry out the functions of the program. All attorneys representing indigent
3 children through this program shall be licensed to practice law in Louisiana and
4 qualified in accordance with the standards and guidelines adopted by rule of the
5 board.

6 (11) Contract with organizations or individuals for the legal services for
7 indigent children in the custody of the office of juvenile justice.

8 (12) Administer an efficient and effective statewide program for the
9 representation of indigent children which safeguards their rights and facilitates
10 timely and fair decision-making concerning safety, reentry, reintegration, and
11 well-being.

12 (13) Establish and modify a plan of organization to conduct the business
13 of regulating and controlling the delivery of program services. The plan of
14 organization shall provide for:

15 (a) The granting of contracts.

16 (b) The review of investigative and audit reports and findings.

17 (c) The enforcement of board rules.

18 (14) Develop and disseminate standards, procedures, and policies to
19 ensure that quality representation of indigent children in the custody of the
20 office of juvenile justice is provided consistently throughout the state.

21 (15) Prepare and submit to the Joint Legislative Committee on the
22 Budget not later than March first of each year an annual financial report which
23 outlines the expenditures of all program funds, including local, state, and
24 federal funds, for the previous calendar year.

25 (16) Prepare and submit to the governor, legislative auditor, and
26 legislative fiscal officer, not later than June first of each year an estimate of
27 unexpended balances in every account in the custody of the board.

28 (17) Develop and maintain a comprehensive information system on the
29 revenues received by the board and any district from local, state, and federal
30 sources, as well as the expenditure of any revenue, and submit a summary of the

1 information annually to the legislature.

2 (18) Assign appropriate staff to:

3 (a) Coordinate training and performance evaluation for attorneys
4 representing indigent children pursuant to this Section.

5 (b) Apply for and assist in the disbursement of federal funds or other
6 grant money to aid the statewide program, provided that such gifts, grants, and
7 donations are not otherwise prohibited by law or rule.

8 (c) Assist district public defenders in maintaining compliance with
9 standards and guidelines adopted by the board pursuant to this Section. The
10 board staff shall assist the district public defenders with implementation of
11 standards, guidelines, supervision, policy, and procedures to maintain
12 compliance.

13 (19) Work with public and private representatives, including but not
14 limited to judges, social service personnel, district attorneys, and service
15 providers to promote sound juvenile justice policy and practice.

16 C. The powers and duties of the board provided for by this Section shall
17 be in addition to the powers and duties provided for in R.S. 15:147.

18 §186.4. Standards and guidelines for representation of indigent children in
19 custody; rulemaking

20 A. The board shall adopt all rules necessary to implement the provisions
21 of this Part.

22 B. The rules shall include mandatory statewide standards and guidelines
23 for the representation of indigent children in the custody of the office of juvenile
24 justice to be provided in a uniform manner and consistent throughout the state.

25 C. All rules and regulations shall be promulgated in accordance with the
26 Administrative Procedure Act and subject to legislative oversight by the House
27 Committee on Health and Welfare and the Senate Committee on Health and
28 Welfare.

29 §186.5. Safe Return Representation Program Fund

30 A. "The Louisiana Safe Return Representation Program Fund",

1 hereafter referred to as "the fund", is hereby created within the state treasury.
2 Interest earned on the investment of monies in the fund shall be deposited into
3 the fund. Unexpended and unencumbered monies in the fund at the close of
4 each fiscal year shall remain in the fund. Monies in the fund shall be
5 appropriated, administered, and used solely as provided in this Section.

6 B. The fund shall be comprised of all monies appropriated by the
7 legislature specifically for the program or other monies made available to the
8 program. All monies required to be deposited in the state treasury in
9 accordance with Article VII, Section 9(A), of the Louisiana Constitution shall
10 be deposited in the fund after first meeting the requirements of Article VII,
11 Section 9(B), of the Louisiana Constitution.

12 C. The fund shall be segregated from all other funds and shall be used
13 solely to provide for the implementation and operation of the Safe Return
14 Representation Program. Monies appropriated to the fund shall also be used to
15 supplement the judicial district indigent defender funds as provided in R.S.
16 15:168 and shall not be used to displace, replace, or supplant monies available
17 for this program or the purpose of providing legal representation to children in
18 the custody of the office of juvenile justice.

19 D. Monies in the fund which have been appropriated to the Louisiana
20 Public Defender Board shall be administered by the Louisiana Public Defender
21 Board, or any successor to that board.

22 E. The board shall not commingle the monies appropriated from the
23 fund with any other monies of the board.

24 §186.6. Implementation of Safe Return Representation Fund

25 A. Subject to appropriation, or the availability of other monies to the
26 program, the board shall develop a program to establish a flexible delivery
27 system that is responsive to jurisdictional variances and local community needs.
28 The board may implement the program incrementally, but full statewide
29 implementation shall be completed not later than July 1, 2017.

30 B. The board shall choose a method of implementation of the Safe

Return Representation Program that is efficient, feasible, practicable, and appropriate to provide the best delivery of indigent parent representation.

* * *

§905. Rules and regulations; education; training and discipline, work opportunities,
vocational training, contracts and agreements

* * *

B. The Notwithstanding any other provision of law to the contrary, the
deputy secretary for youth services shall establish all rules and regulations for the
placement, care, and treatment of a juvenile in the custody of the office of juvenile
justice. **Such rules and regulations shall include:**

(1) Provisions for reasonable access to each child in the custody of the office of juvenile justice for defense counsel and for adequate and confidential meeting space in each juvenile facility for defense counsel and children they represent.

(2) Provisions for direct, confidential, and readily accessible telephone or audio-visual connections between each child in the custody of the office of juvenile justice and their defense counsel. Telephones and audio or visual connections to counsel shall be available, by reasonable request on a daily basis, to each child in the custody of the office of juvenile justice at no cost to the child or their family.

(3) For the purposes of this Subsection:

(a) A child is deemed "in the custody of the office of juvenile justice" if he is judicially committed to the Department of Public Safety and Corrections, youth services, office of juvenile justice, regardless of where the child is physically held, including but not limited to state-run secure facilities, state-run non-secure facilities, contracted facilities, and detention centers.

(b) A "juvenile facility" is any facility in which a child judicially committed to the office of juvenile justice is placed, whether the facility is run directly by the state or contracted by any agency of the state.

* * *

1 Section 3. This Act shall be known and may be referred to as the "Safe and Fair
2 Return Act of 2016".

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 324

BY SENATOR MORRELL AND REPRESENTATIVES BAGNERIS, BOUIE, GARY CARTER, CONNICK, COX, GLOVER, JIMMY HARRIS, HILFERTY, HUNTER, JACKSON, JAMES, TERRY LANDRY, LEGER, LYONS, MAGEE, MARCELLE, DUSTIN MILLER, MORENO, NORTON AND SMITH

AN ACT

To amend and reenact Children's Code Arts. 305(A)(2), 306(D), and 804(1) and to enact Chapter 13-B of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1441 and 1442, and Children's Code Art. 306(G), relative to juvenile jurisdiction; to provide for a child who commits a delinquent act before a certain age; to provide for transfer of juveniles to adult detention centers pending trial; to create the Juvenile Jurisdiction Planning and Implementation Committee; to provide for membership, authority, duties, and responsibilities; to provide for directives to the Louisiana State Law Institute, Louisiana Judicial Council, and Department of Children and Family Services; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 13-B of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:1441 and 1442, is hereby enacted to read as follows:

CHAPTER 13-B. JUVENILE JURISDICTION

PLANNING AND IMPLEMENTATION ACT

§1441. Short title

This Chapter shall be known and may be cited as the "Juvenile Jurisdiction Planning and Implementation Act".

§1442. Louisiana Juvenile Jurisdiction Planning Implementation Committee;

composition; authority; responsibilities

A. The Louisiana Juvenile Jurisdiction Planning and Implementation Committee, hereafter referred to as the "committee", is hereby created as a committee of the Juvenile Justice Reform Act Implementation Commission established pursuant to R.S. 46:2751 et seq.

B. The committee shall have the following authority, duties, and responsibilities:

(1) Not later than January 1, 2017, the committee shall develop and submit to the commissioner of administration, the president of the Senate, and the speaker of the House of Representatives a plan for full implementation of the provisions of this Chapter. The plan shall include recommendations for changes required in the juvenile justice system to expand jurisdiction to include persons seventeen years of age. These recommendations may include the following items:

(a) The development of programs and policies that can safely reduce the number of youth in the juvenile justice system, including expanded use of diversion where appropriate; development and use of civil citation programs; use of evidence-based and promising services wherever possible; and reinvestment programs targeting the expanded use of community-based alternatives to secure, nonsecure, and pre-disposition custody.

(b) The development of comprehensive projections to determine the long-term distribution of placement capacity for youth in the juvenile justice system.

(c) An analysis of the impact of the expansion of juvenile jurisdiction to persons seventeen years of age on state agencies and a determination of which state agencies shall be responsible for providing relevant services to juveniles, including but not limited to mental health and substance abuse services, housing, education, and employment.

(2) Not later than April 1, 2017, and quarterly thereafter, the committee shall submit a written status report to the commissioner of administration, the

1 president of the Senate, and the speaker of the House of Representatives on
2 implementation of the plan as provided in this Subsection.

3 (3) The committee shall have such powers, authority, and prerogatives
4 as provided for the Juvenile Justice Reform Act Implementation Commission
5 pursuant to R.S. 46:2754 et seq.

6 C. The committee shall be composed of the following members:

7 (1) Each member of the Juvenile Justice Reform Act Implementation
8 Commission shall be an ex officio member.

9 (2) Two sitting Louisiana judges: one appointed by the president of the
10 Louisiana District Judges Association and one appointed by the president of the
11 Louisiana Council of Juvenile and Family Court Judges.

12 (3) The deputy secretary of the office of juvenile justice, or his designee.

13 (4) The superintendent of the state Department of Education, or his
14 designee.

15 (5) The executive director of the Louisiana Sheriffs' Association, or his
16 designee.

17 (6) The president of the Louisiana Juvenile Detention Association, or his
18 designee.

19 (7) An attorney appointed by the Louisiana Public Defender Board that
20 is an expert in juvenile defense.

21 (8) The executive director of the Children's Cabinet.

22 (9) The director of the Institute for Public Health and Justice, or his
23 designee.

24 (10) Two child or youth advocates, one appointed by the president pro
25 tempore of the Senate and one appointed by the speaker pro tempore of the
26 House of Representatives.

27 (11) Two parents of children who have been involved in the juvenile
28 justice system, one appointed by the executive director of the Cecil J. Picard
29 Center for Child Development and Lifelong Learning and one appointed by the
30 executive director of the Children's Coalition for Northeast Louisiana.

(12) An expert in juvenile justice, appointed by the chair of the Children's Code Committee of the Louisiana State Law Institute.

(13) Two youth representatives who have been prosecuted in criminal court at the age of seventeen, one appointed by the executive director of LouisianaChildren.org and one appointed by the executive director of the Family and Youth Counseling Agency of Lake Charles, Louisiana.

(14) A representative of the Police Jury Association of Louisiana.

(15) An attorney appointed by the Louisiana District Attorneys Association that is an expert in juvenile prosecution.

D.(1) All appointments to the committee shall be made not later than September 1, 2016. Any vacancy on the committee shall be filled by the respective appointing authority.

(2) The executive director of the Children's Cabinet shall serve as chair of the committee and shall convene the committee no later than October 1, 2016.

(3) The members of the committee shall serve without compensation, except the compensation to which they may be individually entitled to as a member or employee of their respective organization or agency.

(4) A majority of the total committee membership shall constitute a quorum and any official action by the committee shall require an affirmative vote of a majority of the quorum present and voting.

(5) The committee shall conduct meetings as it deems necessary to fully and effectively perform its duties and accomplish the objectives and purposes of this Chapter and may receive testimony and information relative to any of the subjects enumerated in this Chapter.

(6) The committee shall terminate on December 31, 2020.

Section 2. Children's Code Art. 305(A)(2), 306(D), and 804(1) are hereby amended and reenacted and Children's Code Art. 306(G) is hereby enacted to read as follows:

Art. 305. Divestiture of juvenile court jurisdiction; original criminal court jurisdiction over children; when acquired

A.(1) * * *

(2) Thereafter, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the ~~child shall be transferred forthwith to the appropriate adult facility for detention prior to his trial as an adult~~ **court exercising criminal jurisdiction may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.**

* * *

Art. 306. Places of detention; juveniles subject to criminal court jurisdiction

* * *

D. If at the conclusion of the continued custody hearing, the court determines that the child meets the age requirements and that there is probable cause that the child has committed one of the offenses enumerated in Article 305, the court shall order him held for trial as an adult for the appropriate court of criminal jurisdiction. The ~~child shall~~ **appropriate court of criminal jurisdiction may** thereafter **order that the child** be held in any facility used for the pretrial detention of accused adults and **the child** shall apply to the appropriate court of criminal jurisdiction for a preliminary hearing, bail, and for any other rights to which he may be entitled under the Code of Criminal Procedure.

* * *

G. Notwithstanding any provision of law to the contrary, a child who is subject to criminal jurisdiction pursuant to Article 305 shall not be detained prior to trial in a juvenile detention facility after reaching the age of eighteen if the governing authority with funding responsibility for the juvenile detention facility objects to such detention.

* * *

Art. 804. Definitions

As used in this Title:

(1)~~(a)~~"Child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act before attaining seventeen years of age.

(b) After June 30, 2018, "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after July 1, 2018, when the act is not a crime of violence as defined in R.S. 14:2, and occurs before the person attains eighteen years of age.

(c)(i) After June 30, 2020, "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, and before the person attains eighteen years of age.

(ii) Notwithstanding Item (i) of this Subparagraph, a child who has attained the age of seventeen shall be subject to criminal jurisdiction pursuant to Article 305 or 857.

* * *

Section 3.(A) The Louisiana State Law Institute is hereby directed to study, and to recommend to the Legislature in a written report, such other amendments and additions to the Louisiana Children's Code, Louisiana Code of Criminal Procedure, and the Louisiana Revised Statutes as may be appropriate to effectuate the purpose of this Act to include seventeen-year-olds in the juvenile justice system. The Louisiana State Law Institute shall make its report, and shall recommend such legislation as it may deem appropriate, to the Legislature by March 1, 2017.

(B) The Louisiana Judicial Council is hereby requested to study, and to recommend to the Louisiana Supreme Court, such amendments and additions to Louisiana's Rules of Court as may be appropriate to effectuate the purpose of this Act to include seventeen-year-olds in the juvenile justice system.

(C) The Department of Children and Family Services is hereby directed to study, and to recommend for promulgation into law through the Administrative Procedure Act, such new or amended regulations for the safe operation of the state's juvenile detention centers as may be appropriate given the inclusion of seventeen-year-olds in the juvenile justice system.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

3 Section 5. This Act shall be known as the "Raise the Age Louisiana Act of 2016".

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____